

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America  
v.  
GERARDO CRUZ-HERNANDEZ

Case No. 15-101-M

\_\_\_\_\_  
*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 14, 2014 in the county of Montgomery in the  
Eastern District of Pennsylvania, the defendant(s) violated:

*Code Section**Offense Description*

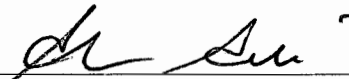
18 USC 1073

Unlawful Flight to Avoid Prosecution

This criminal complaint is based on these facts:

On or about 10/14/14, defendant Gerardo Cruz-Hernandez did unlawfully travel in interstate commerce from Norristown, Pennsylvania, in the Eastern District of Pennsylvania, to Mexico to avoid prosecution for Rape of a Child, a crime of which is a felony under the laws of the Commonwealth of Pennsylvania.

☐ Continued on the attached sheet.

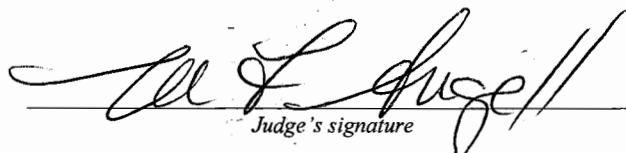
  
\_\_\_\_\_  
*Complainant's signature*

SA Adam Sucheski, FBI

\_\_\_\_\_  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 1/28/15City and state: Philadelphia, Pennsylvania

  
\_\_\_\_\_  
*Judge's signature*

Honorable M. Faith Angell

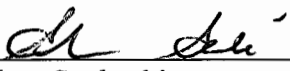
\_\_\_\_\_  
*Printed name and title*

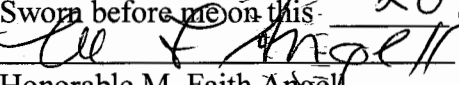
A F F I D A V I T

I, ADAM SUCHESKI, do depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed for the past eight years. I have investigated burglaries, drug trafficking, art theft and fugitives among other crimes. I have been the Affiant for affidavits, in support of both search and arrest warrants.
2. I am currently assigned to the investigation of Gerardo Cruz-Hernandez and his unlawful flight from the Commonwealth of Pennsylvania to avoid prosecution. The information contained in this affidavit is based on my personal knowledge and on information provided to me by the victim, other agents and law enforcement officers involved in this investigation as well as various public and private databases.
3. The investigation into Cruz-Hernandez's crimes began on January 16, 2014 when the Norristown police department received a report of the ongoing sexual abuse of a minor, who was born in 1998. The minor victim disclosed to investigators that her stepfather, Gerardo Cruz-Hernandez had been sexually assaulting her since she was 12 years old.
4. The mother of the minor victim indicated that her daughter confided in her that Cruz-Hernandez had forced her to have sexual intercourse with him. The mother later confronted Cruz-Hernandez who confirmed that he and the minor victim had engaged in sexual intercourse. Cruz-Hernandez threatened the minor victim and her mother with physical harm if they told the police about the abuse.
5. The minor indicated that she was subjected to sexual abuse multiple times at their home or in a black Ford Expedition driven by Cruz-Hernandez.
6. CRUZ-HERNANDEZ was charged by a Commonwealth of Pennsylvania criminal complaint on January 17, 2014 with multiple counts of Rape, Rape of a Child, Statutory Sexual Assault, Indecent Deviate Sexual Intercourse, Indecent Assault, Terroristic Threats, and Corruption of Minors. Attached hereto is a copy of the arrest warrant and criminal complaint filed by the Commonwealth of Pennsylvania.
7. The Norristown Police department was unable to locate and arrest Cruz-Hernandez after the arrest warrant was issued for him. It was believed that Cruz-Hernandez had fled to Mexico.
8. In October 2014, information was received that corroborated that Cruz-Hernandez had indeed fled to Mexico.
9. On January 22, 2015, the Montgomery County District Attorney's Office advised that there is an active arrest warrant for Cruz-Hernandez and full extradition was authorized. The Assistant District Attorney confirmed that Cruz-Hernandez would be prosecuted for the various felony charges should he be located.

10. Your Affiant asserts that there is probable cause to believe that Gerardo Cruz-Hernandez has fled the Commonwealth of Pennsylvania in violation of Title 18, U.S.C. Section 1073, Unlawful Flight to Avoid Prosecution, and as such a warrant should be issued.

  
\_\_\_\_\_  
Adam Sucheski  
Special Agent,  
Federal Bureau of Investigation

Sworn before me on this 28 day of January, 2015  
  
\_\_\_\_\_  
Honorable M. Faith Angel  
United States Magistrate Judge

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MONTGOMERY

## Arrest Warrant

Mag. Dist. No. : MDJ-38-1-15  
 MDJ Name : Honorable Francis J. Lawrence Jr.  
 Address : 200 West Main Street  
 Norristown, PA 19401  
 Telephone : 610-279-3332

Commonwealth of Pennsylvania  
 v.  
 Gerardo Cruzs Hernandez

Complaint No:	14290	Issued For:	Gerardo Cruzs Hernandez
Charging Officer:	Angelucci, James R	Docket No:	MJ-38115-CR-0000020-2014
Arresting Agency:	Norristown Boro Police Dept	NCIC OFF:	
Case Filed:	01/17/2014	OOC:	
OTN:	T 422156-0	WARRANT ID:	DIS703200696
Reason For Warrant:	Felony	Warrant Control No:	38115-AW-0000238-2014
Offense Date:	01/01/2010		
Lead Offense:	18 § 3121 §§ A1 Rape Forcible Compulsion		

## TO THE OFFICER: James R Angelucci

In the name of the Commonwealth of Pennsylvania, you are commanded to take the defendant, Gerardo Cruzs Hernandez, into custody. When the defendant is taken into custody, bring the defendant before me at the Court address shown above to answer the complaint charging the defendant with the offense(s) set forth above and further to be dealt with according to law.

Witness the hand and official seal of the issuing authority on this 17th day of January, 2014.

January 17, 2014

Date

*Henry J. Schireson*  
 Magisterial District Judge Henry J. Schireson



ORIGINAL



MJ-38115-CR-0000020-2014



38115-AW-0000238-2014



Gerardo Cruzs Hernandez

MDJS 417

1

Printed: 01/17/2014 10:55:32PM

01/18/2014 00:03 FAX

district court 38-1-08

0002/0013

Commonwealth of Pennsylvania  
v.  
Gerardo Cruzs Hernandez

Warrant Control No: 38115-AW-0000238-2014  
Docket No: MJ-38115-CR-0000020-2014  
OTN: T 422156-0

**RETURN WHERE DEFENDANT FOUND**

By authority of this warrant, on \_\_\_\_\_, 20 \_\_\_\_\_

I took into custody the within named \_\_\_\_\_, and he/she is

☐ before you for disposition.☐ In the \_\_\_\_\_ Prison.**RETURN WHERE DEFENDANT IS NOT FOUND**☐ After careful search, I cannot find the within named defendant.**Officer Costs:**

Warrant \_\_\_\_\_

Miles @ \_\_\_\_\_

Commitments \_\_\_\_\_

Miles @ \_\_\_\_\_

Conveying to hearing \_\_\_\_\_

Miles @ \_\_\_\_\_

Total \_\_\_\_\_

\_\_\_\_\_  
(Signature of Police Officer - Name and Title)

01/18/2014 00:03 FAX

district court 38-1-06

0003/0013

Commonwealth of Pennsylvania  
v.  
Gerardo Cruzs Hernandez

Warrant Control No: 38115-AW-0000238-2014  
Docket No: MJ-38115-CR-0000020-2014  
OTN: T 422156-0

**DEFENDANT IDENTIFICATION INFORMATION**

LiveScan Tracking Number		Social Security Number		SID (State Identification Number)		FBI Number	
Age 30	Race Black	Ethnicity Non Hispanic	Gender Male	Eye Color Brown	Hair Color Black	Date of Birth [REDACTED]	Weight (lbs) 200
Height (Ft/in) 5' 11"							
NCIC Extradition Code / Description: Felony - Full Extradition Unless Otherwise Noted Distance: 500 Comments:							
Alias				Participant Local No			
Prosecution Commonwealth of Pennsylvania							
Distinguishing Features/Special Considerations							
<b>DEFENDANT LICENSE / VEHICLE INFORMATION</b>							
License Number				State		Expiration Date	
Plate Number	State	Hazmat	Registration Sticker (MM/YYYY)		Comm'l Veh. Ind.	School Veh.	Oth. Veh. Cd

**DEFENDANT CONTACT INFORMATION****DEFENDANT ADDRESS**

Home (Case Address)  
105 Pearl Street  
Norristown, PA 19401

01/18/2014 00:04 FAX

district court 38-1-08

0004/0013

Commonwealth of Pennsylvania  
v.  
Gerardo Cruzs Hernandez

**Warrant Control No: 38115-AW-0000238-2014**  
Docket No: MJ-38115-CR-0000020-2014  
OTN: T 422156-0

<u>All Charge(s)</u>		
18 § 3121 §§ A1 (Lead)	Rape Forcible Compulsion	50 counts
18 § 3121 §§ A2	Rape Threat Of Forcible Compulsion	50 counts
18 § 3121 §§ C	Rape of Child	20 counts
18 § 3122.1 §§ B	Statutory Sexual Assault: 11 Years Older	50 counts
18 § 3123 §§ A1	IDSi Forcible Compulsion	3 counts
18 § 3123 §§ A2	IDSi Threat Forcible Compulsion	3 counts
18 § 903 §§ C	Conspiracy - IDSi Person Less Than 18 Yrs Age	3 counts
18 § 903 §§ C	Conspiracy - Invol. Deviate Sexual Intercourse W/Child	3 counts
18 § 6318 §§ A1	Unlawful Contact With Minor - Sexual Offenses	50 counts
18 § 3126 §§ A2	Indecent Assault Forcible Compulsion	50 counts
18 § 3126 §§ A7	Indecent Assault Person Less than 13 Years of Age	50 counts
18 § 2701 §§ A1	Simple Assault	10 counts
18 § 2701 §§ A3	Simple Assault	10 counts
18 § 2705	Recklessly Endangering Another Person	10 counts
18 § 2706 §§ A1	Terroristic Threats W/ Int To Terrorize Another	10 counts
18 § 4304 §§ A1	Endangering Welfare of Children - Parent/Guardian/Other Commits Offense	10 counts
18 § 6301 §§ A1ii	Corruption Of Minors - Defendant Age 18 or Above	10 counts



01/18/2014 00:05 FAX

district court 38-1-06

00005/0013

COMMONWEALTH OF  
PENNSYLVANIA  
COUNTY OF: MONTGOMERY

Magisterial District Number: 38-1-15

MDJ: Hon. FRANCIS J. LAWRENCE JR.

Address: 200 W. MAIN ST.  
NORRISTOWN PA 19401

Telephone: (610)279-3332

POLICE CRIMINAL COMPLAINT  
COMMONWEALTH OF PENNSYLVANIA  
VS.

## DEFENDANT:

(NAME and ADDRESS):

GERARDO

CRUZS-

HERNANDEZ

First Name

Middle Name

Last Name

Gen.

105 PEARL ST.  
NORRISTOWN PA 19401

## NCIC Extradition Code Type

- ☒ 1-Felony Full ☐ 4-Felony No Ext. ☐ B-Misdemeanor Limited ☐ E-Misdemeanor Pending  
☐ 2-Felony Ltd. ☐ 5-Felony Pend. ☐ C-Misdemeanor Surrounding States ☒ Distance: 500  
☐ 3-Felony Surrounding States ☐ A-Misdemeanor Full ☐ D-Misdemeanor No Extradition

## DEFENDANT IDENTIFICATION INFORMATION

Docket Number: CR-20-14 Date Filed: 01/17/2014 OTN/LiveScan Number: 1422156-0 Complaint/Incident Number: 14-290 SID: Request Lab Services? ☒ YES ☐ NO

GENDER: ☒ Male ☐ Female DOB: ~~01/17/2014~~ POB: MEXICO Add'l DOB: ~~01/17/2014~~ Co-Defendant(s): ☐

First Name: GERARDO Middle Name: Last Name: CRUZ-HERNANDEZ Gen.

AKA: GERARDO

RACE: ☐ White ☐ Asian ☒ Black ☐ Native American ☐ Unknown

ETHNICITY: ☐ Hispanic ☒ Non-Hispanic ☐ Unknown

HAIR COLOR: ☐ GRY (Gray) ☐ RED (Red/Aubn.) ☐ SDY (Sandy) ☐ BLU (Blue) ☐ PLE (Purple) ☐ BRO (Brown)  
☒ BLK (Black) ☐ ONG (Orange) ☐ WHI (White) ☐ XXX (Unk/Bald) ☐ GRN (Green) ☐ PNK (Pink)  
☐ BLN (Blonde / Strawberry)

EYE COLOR: ☐ BLK (Black) ☐ BLU (Blue) ☒ BRO (Brown) ☐ GRN (Green) ☐ GRY (Gray)  
☐ HAZ (Hazel) ☐ MAR (Maroon) ☐ PNK (Pink) ☐ MUL (Multicolored) ☐ XXX (Unknown)

Driver License: State: License Number: Expires: / / WEIGHT (lbs.): 200

DNA: ☐ YES ☐ NO DNA Location: MNU Number: FL HEIGHT in.: 5 11

FBI Number: Defendant Fingerprinted: ☐ YES ☒ NO Fingerprint Classification:

## DEFENDANT VEHICLE INFORMATION

Plate #: State: Hazmat: ☐ Registration Sticker (MM/YY): / Comm'l Veh. Ind. ☐ School Veh. ☐ Oth. NCIC Veh. Code: Reg. same as Def. ☐

VIN: Year: Make: Model: Style: Color:

Office of the attorney for the Commonwealth: ☐ Approved ☐ Disapproved because:

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 607).

ADA JORDAN FRITTER (Name of the attorney for the Commonwealth) (Signature of the attorney for the Commonwealth) (Date): / /

I, DETECTIVE JAMES ANGELUCCI (Name of the Affiant) 189 (PSP/MP/OTC -Assigned Affiant ID Number & Badge #)

of NORRISTOWN POLICE (Identify Department or Agency Represented and Political Subdivision) PA0461901 (Police Agency ORI Number)

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above

☐ I accuse the defendant whose name is unknown to me but who is described as

☐ I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have

therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at [413] MUNICIPALITY OF

NORRISTOWN @ 554 MAIN, 126,718 MARSHALL, 105PEARL (Subdivision Code) (Place-Political Subdivision)

in MONTGOMERY [46] on or about 1/01/2010 THROUGH 1/14/2014

County (County Code)



01/18/2014 00:06 FAX

district court 38-1-06

00006/0013



## POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 01/17/2014	OTN/LiveScan Number	Complaint/Incident Number 14-290
Defendant Name	First: GERARDO	Middle:	Last: CRUZ-HERNANDEZ

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input checked="" type="checkbox"/> 1	3121	(A)1	TITLE 18 50 F-1 17
Lead?	Offense#	Section	Subsection
	PA Statute (Title)	Counts	Grade
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): Rape 3121 (a)1			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 2	3121	(A)2	TITLE 18 50 F-1 17
Lead?	Offense#	Section	Subsection
	PA Statute (Title)	Counts	Grade
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): Rape 3121 (a)2			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 3	3121	©	TITLE 18 20 F-1 17
Lead?	Offense#	Section	Subsection
	PA Statute (Title)	Counts	Grade
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): Rape of a Child 3121 ©			

Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA Code §§ 213.1 - 213.7.

Acts of the accused: Violation of the Pennsylvania Crimes Code Title 18 PA C.S.A.

3121. Rape. (a) Offense defined.—A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

(1) By forcible compulsion.

(2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.

(c) Rape of a child.—A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.

01/18/2014 00:07 FAX

district court 38-1-08

00007/0013



## POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 01/17/2014	OTN/LiveScan Number	Complaint/Incident Number 14-290
Defendant Name	First: GERADO	Middle:	Last: CRUZ-HERNANDEZ

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 4	3122.1	(B)	TITLE 18
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code
Penndot Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): 3122.1. Statutory sexual assault (B)			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 5	3123	(A)1	TITLE 18
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code
Penndot Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): 3123. Involuntary deviate sexual intercourse. (a)1			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 6	3123	(A)2	TITLE 18
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code
Penndot Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): 3123. Involuntary deviate sexual intercourse. (a) 2			

Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA Code §§ 213.1 - 213.7.

Acts of the accused: Violation of the Pennsylvania Crimes Code Title 18 PA C.S.A.

3122.1. Statutory sexual assault. (b) Felony of the first degree.--A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

3123. Involuntary deviate sexual intercourse. (a) Offense defined.--A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:

(1) by forcible compulsion;

(2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;

01/18/2014 00:08 FAX

district court 38-1-08

0008/0013



## POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 01/17/2014	OTN/LiveScan Number	Complaint/Incident Number 14-290
Defendant Name	First: GERARDO	Middle:	Last: CRUZ-HERNANDEZ

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 7	3123	(A)7	TITLE 18
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code
UCR/NIBRS Code	17		
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): 3123. Involuntary deviate sexual intercourse.			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 8	3123	(B)	TITLE 18
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code
UCR/NIBRS Code	17		
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): 3123. Involuntary deviate sexual intercourse with a child			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 9	6318	(A)1	TITLE 18
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code
UCR/NIBRS Code	17		
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): 6318 Unlawful contact with a minor (a)1			

Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 - 213.7.

Acts of the accused: Violation of the Pennsylvania Crimes Code Title 18 PA C.S.A.

3123. Involuntary deviate sexual intercourse. (a) Offense defined.—A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:

(7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

(b) Involuntary deviate sexual intercourse with a child.—A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.

6318. Unlawful contact with minor. (a) Offense defined.—A person commits an offense if he is intentionally in contact with a minor, or a law enforcement officer acting in the performance of his duties who has assumed the identity of a minor, for the purpose of engaging in an activity prohibited under any of the following, and either the person initiating the contact or the person being contacted is within this Commonwealth:

(1) Any of the offenses enumerated in Chapter 31 (relating to sexual offenses).



01/18/2014 00:09 FAX

district court 38-1-06

0009/0013



## POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 01/17/2014	OTN/LiveScan Number	Complaint/Incident Number 14-290
Defendant Name	First: GERARDO	Middle:	Last: CRUZ-HERNANDEZ

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 10	3126	(A)2	TITLE 18 50 M-1 17
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): 3126. Indecent assault			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 11	3126	(A)7	TITLE 18 50 F-3 17
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): 3126. Indecent assault			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 12	2701	(A)1	TITLE 18 10 M-2 04
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): Simple Assault 2701 (a)1			

Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA Code §§ 213.1 - 213.7.

Acts of the accused: Violation of the Pennsylvania Crimes Code Title 18 P.A.C.S.A.

3126. Indecent assault(a) Offense defined.--A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:

(2) the person does so by forcible compulsion;

(7) the complainant is less than 13 years of age

2701. Simple assault. (a) Offense defined.--A person is guilty of assault if he: (1) attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another; (2) negligently causes bodily injury to another with a deadly weapon;

01/18/2014 00:10 FAX

district court 38-1-08

0010/0013



## POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 01/17/2014	OTN/LiveScan Number	Complaint/Incident Number 14-290
Defendant Name	First: GERARDO	Middle:	Last: CRUZ-HERNANDEZ

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 13	2701	(A)3	TITLE 18
10	M-2		04
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code
UCR/NIBRS Code			
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): 2701. Simple assault (a)3			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 14	2705		TITLE 18
10	M-2		04
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code
UCR/NIBRS Code			
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): 2705 recklessly endangering another person			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 15	2706	(A)1	TITLE 18
10	M-1		04
Lead?	Offense#	Section	Subsection
PA Statute (Title)	Counts	Grade	NCIC Offense Code
UCR/NIBRS Code			
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): 2706 Terroristic threats (a)1			

Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA Code §§ 213.1 - 213.7.

Acts of the accused: Violation of the Pennsylvania Crimes Code Title 18 P.C.S.A.

2701. Simple assault. (a) Offense defined.--A person is guilty of assault if he (3) attempts by physical menace to put another in fear of imminent serious bodily injury

2705. Recklessly endangering another person. A person commits a misdemeanor of the second degree if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury.

2706. Terroristic threats. (a) Offense defined.--A person commits the crime of terroristic threats if the person communicates, either directly or indirectly, a threat to: (1) commit any crime of violence with intent to terrorize another;

01/18/2014 00:11 FAX

district court 38-1-06

0011/0013



## POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 01/17/2014	OTN/LiveScan Number	Complaint/Incident Number 14-290
Defendant Name	First: GERARDO	Middle:	Last: CRUZ-HERNANDEZ

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 16	4304	(A)1	TITLE 18
Lead?	Offense#	Section	Subsection
PennDOT Data (if applicable)	Accident Number	PA Statute (Title)	Counts
			Grade
			NCIC Offense Code
			UCR/NIBRS Code
			20
			F-3
			10
			Safety Zone
			Work Zone
Statute Description (include the name of statute or ordinance): 4304. Endangering welfare of children. (a)1			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/> 17	6301	(A)1II	TITLE 18
Lead?	Offense#	Section	Subsection
PennDOT Data (if applicable)	Accident Number	PA Statute (Title)	Counts
			Grade
			NCIC Offense Code
			UCR/NIBRS Code
			20
			F-3
			10
			Safety Zone
			Work Zone
Statute Description (include the name of statute or ordinance): 6301. Corruption of minors.(a) II			

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
<input type="checkbox"/>			
Lead?	Offense#	Section	Subsection
PennDOT Data (if applicable)	Accident Number	PA Statute (Title)	Counts
			Grade
			NCIC Offense Code
			UCR/NIBRS Code
			Safety Zone
			Work Zone
Statute Description (include the name of statute or ordinance):			

Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA Code §§ 213.1 - 213.7.

Acts of the accused: Violation of the Pennsylvania Crimes Code Title 18 PA C.S.A.

4304. Endangering welfare of children. (a) Offense defined.— (1) A parent, guardian or other person supervising the welfare of a child under 18 years of age, or a person that employs or supervises such a person, commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection or support.

6301. Corruption of minors.(a) Offense defined 1 (ii) Whoever, being of the age of 18 years and upwards, by any course of conduct in violation of Chapter 31 (relating to sexual offenses) corrupts or tends to corrupt the morals of any minor less than 18 years of age, or who aids, abets, entices or encourages any such minor in the commission of an offense under Chapter 31 commits a felony of the third degree.



01/18/2014 00:12 FAX

district court 38-1-08

0012/0013

**POLICE CRIMINAL COMPLAINT**

Docket Number:	Date Filed: 01/17/2014	OTN/LiveScan Number	Complaint/Incident Number 14-290
Defendant Name	First: GERARDO	Middle:	Last: CRUZ-HERNANDEZ

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
4. This complaint consists of the preceding page(s) numbered \_\_\_ through \_\_\_.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.  
(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

DETECTIVE JAMES ANGELUCCIJANUARY 17TH, 2014

(Date)

(Signature of Affiant)

AND NOW, on this date

1-17-14

I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

38-1-06

(Magisterial District Court Number)

(Issuing Authority)

SEAL

01/18/2014 00:12 FAX

district court 38-1-06

00013/0013



## CRIMINAL COMPLAINT

Case Number:	Date Filed: 01/17/2013	OTN/LiveScan Number:	Complaint/Incident Number: 14-290
First Gerardo	Middle:	Last: Cruz-Hernandez	

## AFFIDAVIT of PROBABLE CAUSE

On 1/16/2014 a report was filed with the Norristown Police Department regarding the ongoing sexual assault of a 15 year old female born in 1998; the juvenile victim is being referred to herein as LP. LP disclosed that her stepfather Gerardo Cruz-Hernandez born in 1983 has been sexually assaulting her since she was age 12. LP disclosed that the sexual assaults occurred at various locations but all of these sites were located within the Municipality of Norristown, Montgomery County, Pennsylvania.

On 1/17/2014 LP's mother was interviewed. LP's mother stated that her and her daughter lived with Gerardo Cruz-Hernandez at 4 locations in Norristown, 2 separate addresses on W. Marshall St., Main St with the most recent being on Pearl St. LP's mother disclosed that LP was 12 years old when they started living with Gerardo. LP's mother stated that in 2011 LP came to her and told her that Gerardo wanted to force her to have sex with him and that she did have sex with him. LP's mother confronted Gerardo with the allegation and Gerardo admitted that he had engaged in sexual intercourse with LP. LP's mother stated that when she confronted Gerardo he threatened to hurt her and her daughters if she told anyone. According to LP's mother Gerardo would abuse her if she talked back and hit her with a belt so she remained quiet. LP's mother stated that when she was pregnant Gerardo would take LP with him to work in the evenings approximately three times a week.

On 1/17/2014 LP was interviewed. LP disclosed that Gerardo has been sexually assaulting her since she was 12 years old. Gerardo threatened to hurt her and her mother if she told anyone about what he was doing to her. LP disclosed that on two occasions Gerardo burned her on her chest and told her that he would do this if she told. LP disclosed that when she was 12 years old Gerardo had sexual intercourse with her over 20 times while they lived on Main St. When the family moved to W. Marshall St Gerardo continued to sexually assault her and engaged in sexual intercourse with her over 30 times. LP disclosed that when she moved to the Pearl St. address Gerardo would engage in sexual intercourse with her on an almost daily basis. The majority of the sexual assaults would occur inside of the residence but sometimes he would bring her to work with him and assault her there and other times he would sexually assault her in his black Ford Expedition. LP disclosed that while living on Pearl St. Gerardo Cruz-Hernandez engaged in sexual intercourse with her over 70 times. LP disclosed that on 2 occasions Gerardo placed his mouth on her vagina and on one occasion Gerardo placed his penis into her mouth. LP disclosed that Gerardo would ejaculate inside of her and at one point she became pregnant. LP disclosed that Gerardo and her mother forced her to get an abortion. LP disclosed that on January 14<sup>th</sup>, 2014 Gerardo saw her talking to a bot on FACEBOOK. Gerardo became angry and struck LP with his hands and a belt. Gerardo pulled LP's hair leaving marks that were observed at her school. After discovering that the police had been notified Gerardo fled the residence for whereabouts unknown.

Based upon the information contained within this Affidavit of Probable I respectfully request that a warrant be issued for the arrest of Gerardo Cruz-Hernandez so that he can be brought before the court in order to answer to the attached charges.

I, Detective James Angelucci, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Sworn to me and subscribed before me this

17<sup>th</sup>

day of

Jan.

20 14

(Signature of Affiant)

1-17-14

Date

District Justice

SEAL

My Commission Expires the First Monday in January, 2016